

Introduced by Senator CampbellFebruary 18, 2005

An act to amend Section 188.8 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as introduced, Campbell. Transportation: programming of projects.

Existing law requires the California Transportation Commission to program interregional and regional transportation capital improvement projects through the State Transportation Improvement Program process, consistent with estimated available funding. Existing law requires regional improvement projects nominated by regional agencies to be programmed by the commission pursuant to certain formulas, known as the north-south split and county shares.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 188.8 of the Streets and Highways Code
- 2 is amended to read:
- 3 188.8. (a) From the funds programmed pursuant to Section
- 4 188 for regional *transportation* improvement projects, the
- 5 commission shall approve programs and program amendments,
- 6 so that funding is distributed to each county of County Group
- 7 No. 1 and in each county of County Group No. 2 during the
- 8 county share periods commencing July 1, 1997, and ending June

1 30, 2004, and each period of four years thereafter. The amount
2 shall be computed as follows:

3 (1) The commission shall compute, for the county share
4 periods, all of the money to be expended for regional
5 improvement projects in County Groups Nos. 1 and 2,
6 respectively, as provided in Section 188.

7 (2) From the amount computed for County Group No. 1 in
8 paragraph (1) for the county share periods the commission shall
9 determine the amount of programming for each county in the
10 group based on a formula that is based 75 percent on the
11 population of the county to the total population of County Group
12 No. 1 and 25 percent on state highway miles in the county to the
13 total state highway miles in County Group No. 1.

14 (3) From the amount computed for County Group No. 2 in
15 paragraph (1) for the county share periods the commission shall
16 determine the amount of programming for each county in the
17 group based on a formula that is based 75 percent on the
18 population of the county to the total population of County Group
19 No. 2 and 25 percent on state highway miles in the county to the
20 total state highway miles in County Group No. 2.

21 (b) Notwithstanding subdivision (a), that portion of the county
22 population and state highway mileage in El Dorado and Placer
23 Counties that is included within the jurisdiction of the Tahoe
24 Regional Planning Agency shall be counted separately toward
25 the area under the jurisdiction of the Tahoe Regional
26 Transportation Agency and may not be included in El Dorado
27 and Placer Counties. The commission shall approve programs,
28 program amendments, and fund reservations for the area under
29 the jurisdiction of the Tahoe Regional Transportation Agency
30 that shall be calculated using the formula described in paragraph
31 (2) of subdivision (a).

32 (c) A transportation planning agency designated pursuant to
33 Section 29532 of the Government Code, or a county
34 transportation commission created by Division 12 (commencing
35 with Section 130000) of the Public Utilities Code, may adopt a
36 resolution to pool its county share programming with any county
37 or counties adopting similar resolutions to consolidate its county
38 shares for two consecutive county share periods into a single
39 share covering both periods. A multicounty transportation
40 planning agency with a population of less than three million may

also adopt a resolution to pool the share of any county or counties within its region. The resolution shall provide for pooling the county share programming in any of the pooling counties for the new single share period and shall be submitted to the commission not later than May 1 immediately preceding the commencement of the county share period.

(d) For the purposes of this section, funds programmed shall include the following costs pursuant to subdivision (b) of Section 14529 of the Government Code:

(1) The amounts programmed or budgeted for both components of project development in the original programmed year.

(2) The amount programmed for right-of-way in the year programmed in the most recent state transportation improvement program. If the final estimate is greater than 120 percent or less than 80 percent of the amount originally programmed, the amount shall be adjusted for final expenditure estimates at the time of right-of-way certification.

(3) The engineer's final estimate of project costs, including construction engineering, presented to the commission for approval pursuant to Section 14533 of the Government Code in the year programmed in the most recent state transportation improvement program. If the construction contract award amount is less than 80 percent of the engineer's final estimate, excluding construction engineering, the department shall notify the commission and the commission may adjust its project allocation accordingly.

(4) Project costs shown in the program, as amended, where project allocations have not yet been approved by the commission, escalated to the date of scheduled project delivery.

(e) Project costs may not be changed to reflect any of the following:

(1) Differences that are within 20 percent of the amount programmed for actual project development cost.

(2) Actual right-of-way purchase costs.

(3) Construction contract award amounts, except when those amounts are less than 80 percent of the engineer's final estimate, excluding construction engineering, and the commission has adjusted the project construction allocation.

1 (4) Changes in construction expenditures, except for
2 supplemental project allocations made by the commission.

3 (f) For the purposes of this section, the population in each
4 county is that determined by the last preceding federal census, or
5 a subsequent census validated by the Population Research Unit of
6 the Department of Finance, at the beginning of each county share
7 period.

8 (g) For the purposes of this section, “state highway miles”
9 means the miles of state highways open to vehicular traffic at the
10 beginning of each county share period.

11 (h) It is the intent of the Legislature that there is to be
12 flexibility in programming under this section and Section 188 so
13 that, while ensuring that each county will receive an equitable
14 share of state transportation improvement program funding, the
15 types of projects selected and the programs from which they are
16 funded may vary from county to county.

17 (i) Commencing with the four-year period commencing on
18 July 1, 2004, individual county share shortfalls and surpluses at
19 the end of each four-year period, if any, shall be carried forward
20 and credited or debited to the following four years.

21 (j) The commission, with the consent of the department, may
22 consider programming projects in the state transportation
23 improvement program in a county with a population of not more
24 than 1,000,000 at a level higher or lower than the county share,
25 when the regional agency either asks to reserve part or all of the
26 county’s share until a future programming year, to build up a
27 larger share for a higher cost project, or asks to advance an
28 amount of the share, in an amount not to exceed 200 percent of
29 the county’s current share, for a larger project, to be deducted
30 from shares for future programming years. After consulting with
31 the department, the commission may adjust the level of
32 programming in the regional program in the affected region
33 against the level of interregional programming in the
34 improvement program to accomplish the reservation or
35 advancement, for the current state transportation improvement
36 program. The commission shall keep track of any resulting
37 shortfalls or surpluses in county shares.

38 (k) Notwithstanding subdivision (a), in a region defined by
39 Section 66502 of the Government Code, the transportation
40 planning agency may adopt a resolution to pool the county share

1 of any county or counties within the region, if each county
2 receives no less than 85 percent and not more than 115 percent of
3 its county share for a single county share period and 100 percent
4 of its county share over two consecutive county share periods.
5 The resolution shall be submitted to the commission not later
6 than May 1, immediately preceding the commencement of the
7 county share period.
8 (l) Federal funds used for federal demonstration projects that
9 use federal obligational authority otherwise available for other
10 projects shall be subtracted from the county share of the county
11 where the project is located.

O